

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3138
)	
Plaintiffs,)	
)	
v.)	TENTATIVE FINDINGS ON OBJECTIONS
)	TO REVISED PRESENTENCE
JEFFREY LEONARD ROMERO,)	INVESTIGATION REPORT
)	
Defendants.)	
)	
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Objections have been made to paragraphs 23 and 32 of the Revised Presentence Investigation Report concerning a managerial role enhancement.

Based upon the evidence adduced at the trial, I proceed to make tentative findings. I tentatively find that Jeffrey Leonard Romero was a supervisor of Douglas Yoder in the conspiracy that comprised five or more conspirators--Douglas Yoder, Emanuel Carlos Camacho, Phillip Camacho, Jeffrey Leonard Romero, Lindsey Columbia Yoder, and Randy A. Knaub. Romero furnished the marijuana for the first and third trips and advised Yoder not to make any trip after the third trip. Douglas Yoder did make a fourth trip, but did so to complete payment of his indebtedness to Phillip Camacho. The Yoders delivered an envelope of money to Romero, instead of to Emanuel Carlos Camacho, although Phillip Camacho had told Yoders to take the envelope to Emanuel Carlos Camacho. Romero's comments to Lindsey Columbia Yoder of a threatening nature after Yoders' arrests on August 15, 2005, further suggests a supervisory role over Douglas Yoder by Romero. The conspiracy was one single conspiracy and always consisted of at least five participants, even though Randy Knaub was not involved in the fourth trip. The enhancement of three levels under U.S.S.G. § 3B1.1(b) is applicable.

The defendant also has asserted that pursuant to § 4A1.3 a departure for overstatement is warranted. I conclude that the Revised Presentence Investigation Report does not substantially overstate Romero's criminal history. The criminal history category is IV.

Objections to these tentative findings may be made at the time of the sentencing, but no request has been made for evidence and none will be received.

Dated June 5, 2007.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge